IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL CASE NO. 1:10cv153

PRATEEK GOEL and NEIL ANAND,))	
Plaintiffs,)	
vs.)	ORDER
C.R. LEGAL, Sr. and DEWAYNE TILLMAN,)))	
Defendants.)	

THIS MATTER is before the Court sua sponte.

On July 26, 2010, Defendant Dewayne Tillman attempted to remove this action from the Superior Court of California, Los Angeles County to this Court. [Doc. 1]. He did not file proof that his co-defendant consented to removal, he failed to attach a copy of the complaint filed in the state court action and/or a copy of the pleadings and docket sheet therein. The Defendant also did not attach a certificate of service showing that he had served the other parties. Moreover, the Defendant failed to file the requisite filing fee in this Court.

On July 29, 2010, the Clerk of Court wrote to the Defendant and

returned to him his pleading with an explanation that no filing fee had been

paid and no request to proceed without the prepayment of fees had been

made. No further communication has been received from the Defendant. As

a result, the Court will dismiss the action.

The Court also notes that this matter purports to have been removed

from the Superior Court of California, County of Los Angeles, Pasadena

Branch, even though no copy of any such court documents were filed with the

purported Notice of Removal. [Doc. 1]. The removal statute, 28 U.S.C.

§1441(a) makes clear that a case for which a Federal Court has removal

jurisdiction "may be removed by the defendant or defendants, to the district

court of the United States for the district and division embracing the place

where such action is pending." (Emphasis added). Hence, if this case is

removable to Federal Court, it is only removable to the United States District

Court for the Central District of California, not the Western District of North

Carolina.

IT IS, THEREFORE, ORDERED that this action is hereby DISMISSED.

Signed: February 8, 2011

Martin Reidinger

United States District Judge